

Chapter 1

GENERAL PROVISIONS

The Uniform Zoning Ordinance is designed to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Kanab, Utah.

CITY OF KANAB

Uniform Zoning Ordinance

<u>Sections</u>	<u>Page</u>
1-1 Short Title	1
1-2 Purpose	1
1-3 Interpretation	1
1-4 Conflict	2
1-5 Effect on Previous Ordinances and Maps	2
1-6 Definitions	2
1-7 Building Permit Required	16
1-8 Occupancy Permit Required	17
1-9 Site Plans Required	18
1-10 Inspection	18
1-11 Enforcement	18
1-12 Nuisance and abatement	19
1-13 Penalties	19
1-14 Severability	19
1-15 General Plan	19
1-16 Effect of the General Plan on Public Uses	20
1-17 Zoning Amendments	20
1-18 Temporary Regulations	21
1-19 Annexation	21
1-20 Licensing	22
1-21 Fees and Deposits	22

Section 1-1 Short Title

This Ordinance shall be known as the "Uniform Zoning Ordinance of the City of Kanab, Utah", and may be so cited and pleaded.

Section 1-2 Purpose

This Ordinance is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Kanab, Utah, including among other things, the controlling of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the rural atmosphere and other industries, and the protection of urban development.

Section 1-3 Interpretation

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum

Chapter 1

GENERAL PROVISIONS

CITY OF KANAB

Uniform Zoning Ordinance

requirements for the purposes set forth.

Section 1-4 Conflict

This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

Section 1-5 Effect on Previous Ordinances and Maps

The existing ordinance covering zoning, in their entirety and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, including the attached maps, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this Ordinance, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

Section 1-6 Definitions

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the word plot, or parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other ordinance adopted by the local jurisdiction.

Accessory Use - A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Agriculture - The tilling of the soil, the raising of crops, horticulture and gardening, commercial greenhouses; breeding, grazing and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals, or similar uses.

Agricultural Industry or Business - An industry or business involving agricultural products in manufacturing, packaging, treatment, sales,

Chapter 1

GENERAL PROVISIONS

intensive feeding, or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the Planning Commission.

Airport - Any area of land designed and set aside for the landing and the taking off of aircraft plus aircraft storage and service.

Alley - A public access-way less than twenty-six (26) feet in width, which is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purposes of this ordinance.

Animals - Animals shall include the following: Horses, cows, sheep and goats, excluding pigs and exotic animals.

Architectural Projection - Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.

Area - The area within a lot which is susceptible of use for construction, accessory or appurtenant use. The area to be considered as qualifying for lot area or minimum area shall not include (a) land which is separate from the area where the proposed building will occur by topographic division or physical boundary, (b) land which is not available for construction, accessory or appurtenant use by reason of slope, regular presence of water, geologic condition, soil conditions, or other such practical inhibitions to use, or (c) land which is not available for construction, accessory or appurtenant use by reason of legal restriction.

Automatic Car Wash - A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1 1/2) tons capacity.

Automobile Sales Area - An open area used for display, sale, or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreation vehicles in operable condition.

Automobile Service Station - A place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major auto repair.

Average Percent of Slope - An expression of rise or fall in elevation along a line perpendicular to the contours of the land, connecting the highest point of land to the lowest point of land within an area or within a lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart, measured on a horizontal plane is a one

Chapter 1

GENERAL PROVISIONS

hundred (100) percent slope.

Basement - A story whose floor is more than twelve (12) inches below the average level of the adjoining ground, but where no more than one-half (1/2) of its floor-to-ceiling heights is above the average contract level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement, and as a half-story for the purpose of side-yard determination.

Basement House - A residential structure without a full story structure above grade.

Bed and Breakfast Inn - A building of residential design, in which the property owner personally resides, in which not fewer than one (1) but not more than (5) rooms are rented out by the day, for not more than four (4) guests per room, not to exceed fifteen (15) consecutive days per quest, offering overnight lodging and meal services to overnight guests.

Beginning of Construction - The placing of concrete footings for a building or structure.

Block - The land surrounded by streets or other rights-of-way, other than an alley, or land which is designed as a block on any recorded subdivision plat.

Boarding House - A dwelling where, for compensation, meals are provided for a least three (3) but not more than fifteen (15) persons.

Body and Fender Shop - A facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame, or fenders, and including rebuilding.

Buildable Area - The portion of a lot remaining after required yard setbacks have been established.

Building - Any structure used or intended to be used for the shelter, or enclosure of persons, animals, or property.

Building, Accessory - A building which is subordinate to, and the use of which is incidental to, that of the main building or use on the same lot.

Building Front - means the primary front entrance of a building as viewed from the public street to which it is orientated. The area of a building front is calculated as the height multiplied by the width of the primary front.

Building, Height of. The height of a building or structure is the vertical dimension measured from highest point on the exterior of the building or structure to the nearest point of finished grade.

Building Inspector - The official designated as the building inspector for the City of Kanab by the Kanab City Council. The Kanab City

Chapter 1

GENERAL PROVISIONS

CITY OF KANAB

Uniform Zoning Ordinance

Building Inspector may also be the Kanab City Zoning Administrator, if so designated.

Campground - A public area designated by a public agency for camping, or a private area licensed by the City of Kanab for camping.

Camping - A temporary establishment of living facilities such as tents or recreational coaches as regulated by this City Ordinances.

Carport - A private garage not completely enclosed by walls or doors. For the purposes of this Ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

Cellar - A room or rooms wholly under the surface of the ground, or having more than fifty (50) percent of its floor to ceiling height under the average level of the adjoining ground.

Child Nursery - An establishment for the care and/or the instruction of six (6) or more children, for compensation, other than for members of the family residing on the premises, but not including a public school.

Church - A building, together with its accessory buildings and uses, maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.

Clinic, Dental or Medical - A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their profession. The clinic may include a dental and/or a medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.

Club, Social - Any organization, group, or association supported by its members where the sole purpose is to render a service to said members and their guests.

Combination of Buildings - Two or more buildings that are on adjoining parcels as measured from the outside exterior walls of two of the buildings.

Common Ownership of Management - Owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly:

- a. by the same individual(s) or entity(ies) including but not limited to corporation(s) partnership(s) limited liability company(ies) or trust(s), or
- b. by different individuals or entities, including but not limited to corporations, partnership(s), limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the Retail Businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent stockholder, director, member, officer or trustee of the entity(ies).

Chapter 1

GENERAL PROVISIONS

Conditional Use - A use of land for which a conditional use permit is required, pursuant to this Ordinance.

Condominium - An ownership structure established in accordance with the Utah Condominium Act.

Corral - A space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals or fowl.

Court - An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two (2) or more sides by such building or buildings.

Coverage, Building - The percent of the total site area covered by buildings.

Crosswalk or Walkway - A right-of-way to facilitate pedestrian access through a subdivision block; designed for use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way, at grade, or separated from vehicular traffic.

District - A portion of the territory of the City of Kanab, established as a zoning district by this Ordinance, various combinations thereof apply under the provisions of this Ordinance; also includes "overlay" and "zoning" districts.

Driveway - A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

Dwelling - Any building or portion thereof designed or used as the more or less permanent residence or sleeping place of one or more persons or families, but not including a tent, recreational coach, hotel, hospital, or nursing home.

Dwelling, Mobile Home - (See "Mobile Home".)

Dwelling, Single-family - A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

Dwelling, Two-family - A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

Dwelling, Three-family - A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.

Dwelling, Four-family - A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.

Dwelling, Multiple-family - A building arranged or designed to be occupied by more than four (4) families, the structure having more

Chapter 1

GENERAL PROVISIONS

than four (4) dwelling units.

Dwelling, Group - A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

Dwelling, Unit - One or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

Easement - That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on, or above said lot or lots.

Elderly Person - "Elderly person" means a person who is 60 years of age or older, desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

Essential Facilities - Utilities or sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical sub-station or transmission line of fifty (50) KV or greater capacity, except by conditional use permit.

Family - An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

Fence - A physical barrier to delineate, contain, or designate an area designed for a specific use i.e. an enclosure for a dwelling unit; and area for storage, (etc.).

Flag Lot - A lot which:

- a. meets the size, set back and other requirements of the zone in which the lot is located,
- b. does not have the frontage required, and
- c. has an extension owned in fee simple from the lot to a dedicated street. The extension shall be referred to as the staff portion of the flag lot.

Flood Hazard - A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

Floor Area - The lower surface in a story on which one normally walks in a building. The general terms, floor unless otherwise specifically mentioned shall not refer to mezzanine floor or garage area.

Chapter 1

GENERAL PROVISIONS

Frontage Block - All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Frontage, Lot - The lineal measurement of the front lot line.

Garage, Private - A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half (1 1/2) tons, and not including space for more than a total of four (4) such vehicles for each dwelling unit on the premises.

Garage, Repair - A structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, recreational coaches, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A repair garage may also include incidental storage, care, washing or sale of automobiles.

Geological Hazard - A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth.

Governing Body - The elected legislative body of the City of Kanab.

Grade, Existing - Shall mean sites which have never been disturbed, existing grade is the same as the natural grade, which is the ground level before any human disturbances. For sites that have existing structures or other disturbances to the land, existing grade would be the ground level established when the structure or disturbance was created. Recent earthwork, particularly if the grading is done without permits, will not necessarily qualify as existing grade and often requires a determination from the Zoning Administrator.

Grade, Finished - Shall mean the highest grade directly adjacent to within five (5) feet of the structure or wall of the building, which has been set through an approved grading and/or drainage plan. The term "finished grade" may also mean natural grade when no terrain alteration is proposed, or where otherwise applicable. Fill which is not necessary to achieve positive drainage or slope stabilization, or which is otherwise proposed clearly to raise the finished floor elevations(s) for any other purpose, shall not be considered finished grade.

Gross Floor Area - The sum of:

- a. the total horizontal area, in square feet, of all floors of a building,

Chapter 1

GENERAL PROVISIONS

as measured at outside the exterior walls and including all interior courtyards, and

- b. the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of buildings and used for the display, storage, or sale of any goods, wares or merchandise.

Handicapped Person - A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three or more of the following areas of major life activity: self care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

Home Occupation - Any use conducted entirely within a dwelling and carried on by solely persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The home occupation may use any accessory building and shall not use any yard space outside the main dwelling or accessory buildings.

Hospital - Institution for the diagnosis, treatment and care of human illness or infirmity, but not including sanitariums and clinics.

Hotel - A building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are for compensation, lodged, with or without meals.

Household Pets - Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs as to constitute a kennel as defined in this Ordinance. Household pets shall not include the keeping of dangerous animals.

Interior Courtyard - A space bounded on three or more sides by walls but not a roof.

Junk - Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other waste or salvage materials; dismantled, junked, or wrecked automobiles or parts thereof; and old or scrap ferrous or non-ferrous metal materials.

Junkyard - The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include

Chapter 1

GENERAL PROVISIONS

CITY OF KANAB

Uniform Zoning Ordinance

such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

Kennel - Any premises where three (3) or more dogs or four (4) or more cats older than four (4) months old are kept.

Kennels, Private - Any kennel where three or more household pets are owned and kept by the owner on his/her private property.

Kennels, Public - Any kennel where household pets are boarded commercially.

Lane, Private - A thoroughfare upon land owned in fee simple or by way of an easement, upon which a lot has the frontage required by this Ordinance, which lane has been approved by the Planning Commission and City Council, as fulfilling the frontage requirements of this Ordinance.

Local Attorney - The attorney employed by or officially representing the City of Kanab.

Local Building Inspector - The Kanab City Building Inspector employed by or officially representing the City of Kanab.

Local Engineer - The engineer employed by or officially representing the City of Kanab.

Local Health Officer - The health officer or department employed by or officially representing the City of Kanab.

Local Jurisdiction - The City of Kanab.

Local Planner - The planner employed by or officially representing the City of Kanab.

Lodging House - A dwelling with not more than ten (10) guest rooms where, for compensation, lodging is provided for at least three (3) but not more than fifteen (15) persons, but not including motels or hotels.

Lot - A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into three (3) or more smaller units.

Lot, Corner - A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Depth - The horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

Lot Lines - The property lines bounding the lot.

Chapter 1

GENERAL PROVISIONS

CITY OF KANAB

Uniform Zoning Ordinance

Lot Line, Front - For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

Lot Line, Rear - Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the Kanab City Building Inspector shall designate the rear lot line.

Lot Line, Side - Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots in an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

Lot, Right-of-way - A strip of land of not less than sixteen (16) feet in width connecting a lot to a street for use as private access to that lot.

Manufactured Home - A manufactured home shall be a dwelling designed and manufactured by a recognizable fabricator of manufactured homes and be certified under the National Manufactured Housing Construction and Safety Standards Act of 1976, meet the HUD Code and must have been issued an insignia approved by HUD and must not have been altered in violation of such codes. It shall be a single family dwelling unit designed to be transported on its own wheels, on a trailer or on detachable wheels and shall include the plumbing, heating, air conditioning and electrical systems and be ready for occupancy except for connections to utilities, location on a permanent foundation and other minor work.

Mobile Home - A manufactured dwelling built to be moved on it's own wheels built prior to 1976 and not intended to be placed on a permanent foundation.

Mobile Home Park - A space designed and approved by the City of Kanab for occupancy by mobile homes, to be under a single ownership or management, and meeting all requirements of the Kanab City Zoning Ordinance and the Kanab City Mobile Home Park Ordinance for mobile home park.

Mobile Home Space - A space within a mobile home park, designed and to be used for the accommodation of one (1) mobile home.

Mobile Home Subdivision - A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes.

Motel - A building or group of buildings for the drive-in accommodation of transient guest, comprising individual sleeping or living units, and designed and located to serve the motoring public.

Nonconforming Building or Structure - A building or a structure which does not conform to the regulations for height, coverage, or yards of

Chapter 1

GENERAL PROVISIONS

CITY OF KANAB

Uniform Zoning Ordinance

the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

Nonconforming Use - The use of a building or structure or land which does not conform to use regulations for the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its establishment.

Nursing Home - An institution, other than a hospital, for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term "nursing home" shall also include "rest home" and "convalescent home".

Official Map - A map which has been adopted as the official map of the City of Kanab, showing existing public streets, streets on plats of subdivisions which have been approved by the Kanab City Planning Commission, and/or other street extensions, widening, narrowing, or variations which have been accurately surveyed and definitely located.

Off-street Parking Space - The space required to park one (1) passenger vehicle, which space shall meet the requirements of this Ordinance.

Open Space - The area reserved in parks, courts, playgrounds, golf courses, and other similar open areas to meet the density requirements of Planned Developments.

Open Space, Usable - The area of a lot which is completely free and unobstructed from any structure constructed on, over or below grade. Walkways, uncovered patio areas, light poles, other ornamental fixtures, trees, shrubs, other vegetation and equipment utilizing renewable energy resources may be allowed in open space areas.

Parking Lot - An open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

Planned District - A zoning district, the boundaries of which are to be shown on the Zoning Map, but the regulations for which shall be determined by a general development plan to be adopted by the governing body as part of the Kanab City Zoning Ordinance, after public hearing, as required for other zoning districts.

Plot Plan - A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing building or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the Kanab City Planning Commission.

Recreational Vehicle - A vehicle, such as a travel trailer, tent camper,

Chapter 1

GENERAL PROVISIONS

camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation for a temporary and recreational nature.

Recreational Vehicle Park - Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one (1) or more owners or users of recreational vehicles. Such park may also be designated as "Overnight Park".

Recreational Vehicle Space - A plot of ground within a recreational vehicle park designated and intended for the accommodation of one (1) recreational vehicle.

Residential Facility for Handicapped Persons - Means a single-family or multiple-family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a 24-hour per day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of the Department of Social Services, and is operated by or operated under contract with that department.

Residential Facility for Elderly Persons - Means a single-family or multiple-family dwelling unit that is:

- a. not operated as a business, and that is owned by one of the residents or by an immediate family member of one of the residents, or by an eleemosynary, charitable, or beneficial organization. For purposes of this definition, a facility for which the title has been placed in trust for a resident shall be considered to be owned by that resident.
- b. consistent with existing zoning of the desired location;
- c. occupied on a 24-hour per day basis by eight or fewer elderly persons in a family-type arrangement;
- d. in conformance with applicable standards of the Department of Social Services, and is licensed and inspected by that department; and
- e. a facility meeting the requirements of Utah Code Annotated section 10-9-501 et seq., and conforming with the applicable standards of the Utah department of human services, including licensure and inspection.

Residential Facility For Persons With A Disability - A facility meeting the requirements of Utah Code Annotated section 10-9-605 et seq., and complying with section 4-31 of this title (see section 4-31 of this title for applicable standards, requirements and definitions).

Retail Business - A business engaged in the sale of goods to

Chapter 1

GENERAL PROVISIONS

individual consumers, usually in small quantities, and not to be placed in inventory for resale. Retail Business does not include:

- a. health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or
- b. a business where retail sales are in incidental or accessory use to the primary use.

This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

Retail Establishment - Retail business or businesses, conducted in two or more buildings, where the retail business or businesses:

- a. are engaged in the selling of similar or related goods, wares or merchandise and operate under common ownership or management, or
- b. share check stands, storage facilities, a warehouse, or a distribution facility, or
- c. otherwise operate as associated, integrated or cooperative business enterprises under common ownership or management.

Right-of-Way (Lot) - A strip of land not less than twenty (20) feet in width connecting a lot to a street for use as private access to that lot.

Semi Truck - "Semi Truck" is defined as any tractor trailer combination and is of the type commonly used for commercial transport purposes; "trailer", as used herein, refers to a carrier used for cargo or commercial purposes and intended to be used in tandem with a tractor. Semi Tractors have two front wheels, and each of the two rear "drive" axles having a pair of "dual" (double) wheels on each side. Thus, the most common configuration of tractor has ten wheels. The cargo trailer usually has two "tandem" axles at the rear, each of which has dual wheels or eight wheels on the trailer and the overall lengths often range from 50 to 70 feet.

Sign - A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Sign, Animated - A sign which involves motion or rotation of any part, created by artificial means, or which displays flashing, revolving or intermittent lights.

Sign Area - The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one (1)

Chapter 1

GENERAL PROVISIONS

exposed exterior surface. Should the sign have more than one (1) surface, the sign area shall be the aggregate of all surfaces measured as above which can be seen from any one (1) direction at one (1) time.

Sign, Free-standing - A sign which is supported by one (1) or more upright columns, poles, or braces, in or upon the ground.

Sign, Identification and Information - A sign displayed to indicate the name or nature of a building, or of a use.

Sign, Illuminated - A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

Sign, Marquee - Any sign attached to or made an integral part of a marquee.

Sign Ordinance - The sign ordinance of the City of Kanab.

Sign, Projecting Wall - A sign which is affixed to an exterior wall or building or structure and which projects more than eighteen (18) inches from the building or structure wall, and which does not extend above the parapet, eaves, or building facade of the building upon which it is placed.

Site Plan - A plan required by providing the information required by, ordinance.

Stable, Public - Any stable where horses are boarded and/or kept for hire.

Story, Half - A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls do not extend more than four (4) feet above the floor of such story, and the ceiling area of which does not exceed two-thirds (2/3) of the floor area of the same half story.

Structure - Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes "building".

Street, Dedicated - A street which has been dedicated to public use and accepted by the appropriate authority, according to law.

Street, Private - A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted design standards of Kanab City and maintained by the landowners within the subdivision by assessments authorized by recorded covenant.

Street, Publicly Approved - A street in a subdivision where a dedication is technically not complete, but approval by the City has

Chapter 1

GENERAL PROVISIONS

CITY OF KANAB

Uniform Zoning Ordinance

been given to the recording of the subdivision plat. This is the case in a subdivision in which improvements are not completed but in which a developer has posted a bond to ensure the completion of street improvements.

Strip Mall - A shopping complex containing a row of various stores, businesses, and restaurants that are interconnected and usually open onto a common parking lot.

Truck Stop - "Truck Stop" is defined as a commercial business consisting of one or more of the following: filling station, a convenience store, semi-truck repair shop, restaurant and has a large enough parking area to accommodate semi-trucks and other heavy vehicles.

Vicinity Plan - A map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within three hundred (300) feet of the property proposed for development.

Yard - A required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.

Yard, Front - A space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear - A space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side - A space on the same lot with a building, between the side line of the building, and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

Zone - (See "District")

Zoning Ordinance - The Kanab City Zoning Ordinance.

Zoning Administrator - The local official designated by the Kanab City Council to enforce the regulations of this Ordinance; the Kanab City Zoning Administrator may also be the Kanab City Building Inspector.

Section 1-7 Building Permit Required

1. The construction, alteration, repair, or removal of any building,

Chapter 1

GENERAL PROVISIONS

structure, or part thereof as provided or as restricted in this Ordinance shall not be commenced or continued except after the issuance of a building permit by the Kanab City Zoning Administrator and a written permit from the Kanab City Building Inspector. Work not started within six (6) months will require a new permit.

2. Subdivision restrictive covenants for architectural control shall be enforced on a private basis by those entities having the proper enforcement powers. The City will, cooperate with private homeowners associations and architectural control boards to allow for their review of plans before building permits are issued.

3. A homeowners association or architectural review board with powers established by restrictive covenant shall provide the name of a representative and the representative's address to the Building Inspector, together with certified copies of the recorded restrictive covenants and the subdivision plat. When an application for building permit is made within a subdivision area which is thus registered with the Building Inspector, the applicant must first obtain a stamp of approval on his plans from the appropriate association or board before a permit will be issued. If application is made for a building permit without approval (or after denial) of such plans by the association or board, the Building Inspector will cause to be mailed a written notice to the board or association. If the board or association does not file a civil action to restrain or enjoin construction of issuance of the permit after two calendar weeks have passed from the date the notice was sent by the City, then the permit shall be issued.

4. No homeowners association or control board shall be entitled to City cooperation under this ordinance unless registered as herein provided.

Section 1-8 Occupancy Permit Required

Land, buildings or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit of occupancy shall be issued by a Kanab City building inspector to the effect that the use, building or premises will conform to provisions of this and related ordinances prior to occupancy, for any building erected, enlarged or altered structurally, or the occupancy, or use of any land, except for permitted agricultural uses. Such a permit is needed whenever use or character of any building or land is to be changed. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this amendment, including nonconforming buildings and uses. A final inspection will not be performed, and an occupancy permit will not be issued, until after the approved requirements of the site plan are met.

Chapter 1

GENERAL PROVISIONS

CITY OF KANAB

Uniform Zoning Ordinance

Section 1-9 Site Plans Required

A detailed site plan, with scale & sheet size determined by the Kanab City Planning Commission or the Kanab City Zoning Administrator, when authorized, shall be filed as part of any application, prior to request for a zoning permit. It shall show, where pertinent:

1. Scale of plan, and direction of north point.
2. Lot lines, adjacent streets, roads, rights-of-ways.
3. Location of all existing structures on subject property and adjoining properties, with utility lines, poles, etc., fully dimensioned.
4. Location of proposed construction and improvements, with location and dimension of all signs.
5. Any parking lot to be built new or re-modeled must be built to plan, have proper drainage, and must have a building permit. Building permit fee shall be determined by the Kanab City Council.
6. Motor vehicle access, circulation patterns, with individual parking stalls, and curb, gutter, and sidewalk location.
7. Necessary explanatory notes.
8. Name, address, telephone number of builder and owner.
9. A landscaping plan, according to the requirements found in city code.
10. All other information required as determined by the Kanab City Planning Commission or the Kanab City Zoning Administrator when authorized.

Section 1-10 Inspection

The Kanab City building inspector is authorized to inspect or to have inspected all buildings and structures in the course of their construction, modification or repair, and to inspect land uses to determine compliance with zoning ordinance provisions. The Kanab City building inspector or any authorized employee of the City of Kanab shall use the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with the said ordinance, provided that such right of entry is to be used only at reasonable hours. In no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without written permission of an owner, or written order of a court of competent jurisdiction.

Section 1-11 Enforcement

The Kanab City Zoning Administrator is authorized as the enforcing officer for this Ordinance, and shall enforce all provisions, entering actions in court if necessary, and his failure to do so shall not legalize

Chapter 1

GENERAL PROVISIONS

CITY OF KANAB

Uniform Zoning Ordinance

any violations of such provisions. The Kanab City Council may, by resolution or ordinance, from time to time entrust administration of this Ordinance, in whole or in part, to another officer of the City of Kanab, without amendment to this Ordinance.

Section 1-12 Nuisance and abatement

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the local attorney shall, upon request of the governing body, at once commence action or proceedings for abatement and removal or enjoinder thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary to the provisions of this Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

Section 1-13 Penalties

Any person, firm or corporation (as principal, agent, employee or otherwise) violating, causing, or permitting violation of the provisions of this Ordinance shall be guilty of a misdemeanor, and punishable as provided by law. Such person, firm, or corporation intentionally violating this Ordinance shall be deemed to be guilty of a separate offense for each day during which any portion of any violation of this Ordinance is permitted or continued by such person, firm, or corporation, shall be punishable as herein provided.

Section 1-14 Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such holding shall not effect the validity of the remaining portion of this Ordinance.

Section 1-15 General Plan

The document entitled "Kanab General Plan," as adopted on March, 13, 2007 and subsequently amended, is hereby adopted as the General Plan for the City.

1. Plan Preparation: It shall be the duty of the Planning Commission to formulate, prepare and adopt a General Plan for the physical development and beautification of the City, pursuant to Utah Code Annotated. Before recommending to the City Council the General Plan, the commission shall hold public hearings on the plan within the City in conformance with Utah Code Annotated.

2. Submission To City Council: The commission, after completing the General Plan, shall submit said plan, with the accompanying

Chapter 1

GENERAL PROVISIONS

CITY OF KANAB

Uniform Zoning Ordinance

maps, plats, charts and descriptive and explanatory matter, together with the detailed recommendations of the commission for the carrying out of the General Plan, to the City Council for its approval.

3. Amendment of Plan: The City Council may amend the General Plan, including land use maps, by following the procedures required by Utah Code Annotated.

Section 1-16 Effect of the General Plan on Public Uses

1. Any structure, park or other public way, ground, place, or space, publicly owned building or structure, public utility, whether publicly or privately owned, shall:

- a. Conform to the General Plan; and
- b. Be considered by the Planning Commission and after receiving the advice of the Planning Commission; be approved by the City Council as an amendment to the General Plan.
- c. Before accepting widening, removing, extending, relocating, narrowing, vacating, abandoning, changing the use, acquiring land for, or selling or leasing any street or other public way, ground, place, property, or structure, the City Council shall submit the proposal to the Planning Commission for its review and recommendations. If the City Council approved any of the items in this subsection, it shall also amend the General Plan to reflect the change.

Section 1-17 Zoning Amendments

1. The City Council may, from time to time, on its own motion or pursuant to an application, amend the number, shape, boundaries or area of any zoning district, or any regulation of or within any zoning district or any other provisions of the zoning ordinances. Any such proposed amendments shall first be submitted to the Planning Commission for recommendations. Zoning amendments approved, or receiving a recommendation other than disapproval by the Planning Commission, will be considered by the City Council as provided in this Section. Applications disapproved by the Planning Commission shall not be considered by the City Council except upon written request by the applicant to the City Council, as provided in this Section.

2. Before finally adopting any amendment recommended or approved by the Planning Commission, the City Council may hold a public hearing.

- (a) The City Council shall provide reasonable notice before the date of the hearing.

Chapter 1

GENERAL PROVISIONS

CITY OF KANAB

Uniform Zoning Ordinance

(b) The City Council, after hearing and review of the recommendation of the Planning Commission, may;

- (i) Adopt the zoning ordinance as proposed; or
- (ii) Amend the zoning ordinance and adopt or reject the zoning ordinance as recommended by the Planning Commission; or
- (iii) Reject the ordinance.

3. Any zoning amendments disapproved by the Planning Commission may be considered by the City Council upon a filing, in writing, by the applicant, of a Notice of Application with the City Recorder within 10 days after the final decision denying the zoning amendments is made by the Planning Commission. Such notice shall set forth in detail the action and grounds upon which the applicant is aggrieved by the decision of the Planning Commission. After receiving the notice, a date for a hearing shall be set and notice given pursuant to the provisions of this Section.

4. Disapproval of a zoning amendment application shall preclude the filing of another application to rezone the same parcel of property, or any portion thereof to the same zone classification within one year of the date of the final disapproval of the application, unless the Planning Commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within one-year time period. If the Applicant feels there has been substantial change in circumstances, or sufficient new evidence, a letter requesting reconsideration of the application must be submitted to the Planning Commission setting forth the basis for the request. No appeal may be taken from a Planning Commission decision rendered pursuant to this subsection.

Section 1-18 Temporary Regulations

1. The City Council may, without a public hearing, enact ordinances establishing temporary zoning regulations for any part or all of the areas within the City if the City Council makes a finding of compelling, countervailing public interest.

2. The temporary zoning regulation may prohibit, or regulate the erection, construction, reconstruction, or alteration of any building or structure or subdivision approval.

3. The City Council shall establish a period of limited effect for the ordinance not to exceed six months.

Section 1-19 Annexation

1. The City Council may assign a zoning designation to territory annexed to the City at the time the territory is annexed.

Chapter 1

GENERAL PROVISIONS

CITY OF KANAB

Uniform Zoning Ordinance

2. If the City Council does not assign a zone to a territory at the time it is annexed, the territory annexed to the City shall be a zone of the City with which it has the longest common boundary.

Section 1-20 Licensing

All departments and public employees of the City of Kanab which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance and any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

Section 1-21 Fees and Deposits

Fees and deposits will be charged to applicants for items such as building, zoning, and conditional use permits, and Planned Development approval, Kanab City Planning Commission and Kanab City Appeals Officer hearing, and such other services as are required by this Ordinance to be performed by public officers or agencies. Such fees shall be established by the City of Kanab and be in amounts reasonably needed to defray costs to the public. See Fee Schedule (Exhibit I) for a complete list of fees. Additional deposits will be required when initial deposits are fully expended. Any unused portion of deposits will be refunded to applicant upon completion of the project.